

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

NIPPON SHINYAKU, LTD.,

Plaintiff,

v.

SAREPTA THERAPEUTICS, INC., et al.,

Defendants.

C.A. No. 21-1015-GBW

**SPECIAL MASTER ORDER #1**

Having conducted a preliminary teleconference with the parties on June 13, 2023 regarding discovery disputes, the Special Master orders as follows:

(1) Based on the Special Master’s preliminary teleconference with the parties and the Court’s instruction regarding separate handling by the Court of the issues outlined in the parties’ joint letter dated June 8, 2023 (D.I. 220), the Special Master understands that the three disputes listed below are currently outstanding for handling by the Special Master.<sup>1</sup> For disputes 1 and 3, the Special Master would like for Plaintiff Nippon Shinyaku, Ltd. (“Nippon Shinyaku”) to proceed as the moving party. The Special Master would like for Defendant Sarepta Therapeutics, Inc. (“Sarepta”) to proceed as the moving party on dispute 2.

<b>DISPUTES</b>	<b>MOVANT</b>
1. Whether Sarepta must produce license agreements relating to DMD therapies beyond solely exon-skipping therapies.	Nippon Shinyaku
2. Whether Nippon Shinyaku should be compelled to produce inventor Dr. Shin’ichi Takeda for deposition in the United States.	Sarepta
3. Whether Sarepta and UWA should be compelled to produce inventors Drs. Fletcher and McClorey for deposition.	Nippon Shinyaku

<sup>1</sup> See D.I. 202 and the joint letter dated June 13, 2023 (emailed to the Special Master).

(2) The Special Master will hold a hearing on the above-listed disputes on June 21, 2023 at 4 p.m. Eastern. The hearing shall be held via Zoom videoconference. The Special Master will provide a link to counsel for the videoconference hearing. A court reporter will be present.

(3) In preparation for the June 21, 2023 hearing, the parties shall submit briefing as follows:

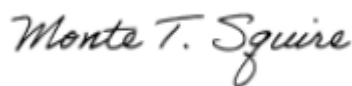
a. Each movant shall serve a single opening letter brief of no more than seven (7) pages. That is, Nippon Shinyaku will serve a single opening letter brief on disputes 1 and 3, and Sarepta will serve a single opening letter brief on dispute 2. Each side's opening letter brief shall be emailed to the Special Master and all counsel of record no later than 5 p.m. Eastern on June 15, 2023.

b. Each side may serve a single answering letter brief of no more than seven (7) pages. Each side's answering letter brief shall be emailed to the Special Master and all counsel of record no later than 5 p.m. Eastern on June 19, 2023.

(4) Pursuant to the Order Appointing Special Master (D.I. 219 at ¶ 3a), by 5 p.m. Eastern on June 15, 2023, each side shall serve a formal motion for the disputes on which that side is the moving party. That is, Nippon Shinyaku will serve a motion on disputes 1 and 3, and Sarepta will serve a motion on dispute 2. Each side's motion should be no more than two pages, preferably a single page. Each side shall attach a proposed order to its motion setting forth the precise relief sought.

IT IS SO ORDERED.

Dated: June 14, 2023



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Special Master Monté T. Squire